

HOUSE BILL 962

A2

2lr1867
CF SB 883

By: **Delegate Anderson (By Request – Baltimore City Administration) and Delegates Branch, Conaway, Glenn, Oaks, B. Robinson, and Tarrant**

Introduced and read first time: February 10, 2012

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Alcoholic Beverages – Video Lottery Facility and Video**
3 **Lottery Concessionaire Licenses**

4 FOR the purpose of creating in Baltimore City a Class BWL–VLF (video lottery
5 facility) beer, wine and liquor license and a Class BWL–VLC (concessionaire)
6 beer, wine and liquor license; exempting the video lottery facility license and the
7 concessionaire license from certain fees; specifying that the Board of Liquor
8 License Commissioners may issue a video lottery facility license for a video
9 lottery facility that contains one or more food service facilities, bars, or lounges;
10 specifying that a video lottery facility license may be issued to an individual or
11 entity that meets certain requirements; providing that an applicant for the
12 license need not meet a location, voting, or residency requirement; providing
13 that the video lottery facility license authorizes the licensee to sell beer, wine,
14 and liquor by the drink and by the bottle on the premises of the video lottery
15 facility, for consumption anywhere in the facility or on grounds controlled by the
16 licensee as defined in the video lottery facility license; authorizing the Board to
17 issue a concessionaire license to one or more concessionaires operating in a
18 video lottery facility; authorizing a concessionaire licensee to sell beer, wine,
19 and liquor on the premises of the concessionaire for consumption anywhere in
20 the video lottery facility or on grounds controlled by the video lottery facility
21 licensee as defined in the video lottery facility license; specifying certain fees;
22 specifying that an off–sale privilege is not conferred by a video lottery facility
23 license or a concessionaire license; authorizing that beer, wine, and liquor
24 purchased under a video lottery facility license or a concessionaire license may
25 be taken anywhere in a video lottery facility or on grounds controlled by the
26 video lottery licensee; specifying that a video lottery facility license and a
27 concessionaire license authorize the playing of music and dancing; specifying
28 certain days and hours of sale for the video lottery facility and concessionaire
29 licenses; specifying that video lottery facility and concessionaire licenses and
30 licensees are subject to all laws and regulations applicable to the sale of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 alcoholic beverages not inconsistent with this Act; providing for the application
 2 to certain persons of certain penalties and sanctions for violations occurring on
 3 certain premises; defining certain terms; and generally relating to alcoholic
 4 beverages and video lottery facilities in Baltimore City.

5 BY repealing and reenacting, with amendments,
 6 Article 2B – Alcoholic Beverages
 7 Section 6–201(d)(6)
 8 Annotated Code of Maryland
 9 (2011 Replacement Volume)

10 BY adding to
 11 Article 2B – Alcoholic Beverages
 12 Section 6–201(d–1)
 13 Annotated Code of Maryland
 14 (2011 Replacement Volume)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article 2B – Alcoholic Beverages**

18 6–201.

19 (d) (6) **[In] EXCEPT AS PROVIDED UNDER SUBSECTION (D–1) OF THIS**
 20 **SECTION, IN** addition to the annual license fee, a licensee issued a license under this
 21 subsection shall pay annually:

22 (i) \$500, if the licensee provides live entertainment; and

23 (ii) \$200, if the licensee provides outdoor table or cafe service.

24 **(D–1) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE**
 25 **THE MEANINGS INDICATED.**

26 **(II) “CONCESSIONAIRE” MEANS A LESSEE, SUBLESSEE, OR**
 27 **ANY OTHER OPERATOR OF AN ESTABLISHMENT THAT:**

28 **1. ENGAGES IN THE DAILY SALE OF BEER, WINE, AND**
 29 **LIQUOR BY THE DRINK OR BY THE BOTTLE ON ITS PREMISES FOR CONSUMPTION**
 30 **ANYWHERE IN A VIDEO LOTTERY FACILITY; AND**

31 **2. IS OPERATED AS A CONCESSION INDEPENDENT OF**
 32 **THE CLASS BWL–VLF LICENSEE.**

1 (III) “VIDEO LOTTERY FACILITY” MEANS A FACILITY THAT
2 HOLDS A LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT
3 ARTICLE.

4 (2) (I) THERE IS A CLASS BWL-VLF (VIDEO LOTTERY
5 FACILITY) BEER, WINE AND LIQUOR LICENSE.

6 (II) THE BOARD MAY ISSUE A CLASS BWL-VLF LICENSE
7 FOR A VIDEO LOTTERY FACILITY THAT CONTAINS ONE OR MORE FOOD SERVICE
8 FACILITIES, BARS, OR LOUNGES.

9 (III) THE CLASS BWL-VLF LICENSE MAY BE ISSUED TO AN
10 INDIVIDUAL OR ENTITY THAT OWNS A VIDEO LOTTERY FACILITY AND HOLDS A
11 LICENSE UNDER TITLE 9, SUBTITLE 1A OF THE STATE GOVERNMENT ARTICLE.

12 (IV) AN APPLICANT FOR A CLASS BWL-VLF LICENSE NEED
13 NOT MEET ANY LOCATION, VOTING, OR RESIDENCY REQUIREMENT.

14 (V) A CLASS BWL-VLF LICENSE AUTHORIZES THE
15 LICENSEE TO SELL BEER, WINE, AND LIQUOR BY THE DRINK AND BY THE
16 BOTTLE ON THE PREMISES OF THE VIDEO LOTTERY FACILITY, FOR
17 CONSUMPTION ANYWHERE IN THE VIDEO LOTTERY FACILITY OR ON GROUNDS
18 CONTROLLED BY THE LICENSEE, AS DEFINED IN THE CLASS BWL-VLF
19 LICENSE.

20 (3) (I) THERE IS A VIDEO LOTTERY CONCESSIONAIRE (CLASS
21 BWL-VLC) LICENSE.

22 (II) THE BOARD MAY ISSUE A CLASS BWL-VLC LICENSE
23 TO ONE OR MORE CONCESSIONAIRES OPERATING IN THE VIDEO LOTTERY
24 FACILITY.

25 (III) NOTWITHSTANDING ANY OTHER PROVISION IN THIS
26 ARTICLE, A CLASS BWL-VLC LICENSE AUTHORIZES THE LICENSEE TO SELL
27 BEER, WINE, AND LIQUOR ON THE PREMISES OF THE CONCESSIONAIRE FOR
28 CONSUMPTION ANYWHERE IN THE VIDEO LOTTERY FACILITY OR ON GROUNDS
29 CONTROLLED BY THE CLASS BWL-VLF LICENSEE, AS DEFINED IN THE CLASS
30 BWL-VLF LICENSE.

31 (4) (I) THE ANNUAL FEE FOR A CLASS BWL-VLF LICENSE IS
32 \$15,000.

1 **(II) THE ANNUAL FEE FOR A CLASS BWL-VLC LICENSE IS**
2 **\$5,000.**

3 **(III) THE ANNUAL LICENSE FEES SHALL BE PAID ON MAY 1**
4 **TO THE BOARD.**

5 **(5) (I) AN OFF-SALE PRIVILEGE IS NOT CONFERRED BY A**
6 **CLASS BWL-VLF LICENSE OR A CLASS BWL-VLC LICENSE.**

7 **(II) BEER, WINE, AND LIQUOR PURCHASED UNDER A CLASS**
8 **BWL-VLF LICENSE OR A CLASS BWL-VLC LICENSE MAY BE TAKEN**
9 **ANYWHERE IN A VIDEO LOTTERY FACILITY OR ON GROUNDS CONTROLLED BY**
10 **THE CLASS BWL-VLF LICENSEE, AS DEFINED IN THE CLASS BWL-VLF**
11 **LICENSE.**

12 **(6) A CLASS BWL-VLF LICENSE AND A CLASS BWL-VLC**
13 **LICENSE AUTHORIZE:**

14 **(I) THE PLAYING OF MUSIC AND DANCING; AND**

15 **(II) THE SALE AND PROVIDING OF BEER, WINE, AND LIQUOR**
16 **THROUGHOUT THE VIDEO LOTTERY FACILITY AND GROUNDS CONTROLLED BY**
17 **THE CLASS BWL-VLF LICENSEE DURING THOSE DAYS AND HOURS THAT THE**
18 **VIDEO LOTTERY FACILITY IS OPEN FOR BUSINESS.**

19 **(7) CLASS BWL-VLF AND CLASS BWL-VLC LICENSES AND**
20 **LICENSEES ARE SUBJECT TO ALL LAWS AND REGULATIONS APPLICABLE TO THE**
21 **SALE OF ALCOHOLIC BEVERAGES NOT INCONSISTENT WITH THIS SUBSECTION.**

22 **(8) ANY PENALTY OR OTHER SANCTION THAT IS IMPOSED FOR A**
23 **VIOLATION OF A REGULATION OF THE BOARD ON THE LICENSED PREMISES OF A**
24 **CLASS BWL-VLC LICENSEE SHALL APPLY TO THE CONCESSIONAIRE THAT THE**
25 **BOARD DETERMINES TO BE RESPONSIBLE FOR THE VIOLATION.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 July 1, 2012.